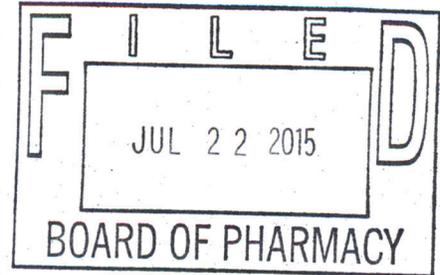


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHARMACY

IN THE MATTER THE PERMIT OF

EAST ORANGE PHARMACY AND SURGICALS  
PERMIT No. 28RS00662900

Administrative Action

CONSENT ORDER

TO OPERATE A PHARMACY IN THE  
STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Pharmacy upon receipt of information that East Orange Pharmacy and Surgicals, located at 310 Central Avenue in East Orange, New Jersey employed Sanjay Patel, R.Ph. during a period of time when Mr. Patel's license to practice pharmacy in New Jersey was suspended.

In May 2012, the New Jersey Board of Pharmacy received an anonymous complaint alleging that Mr. Patel was observed practicing pharmacy in New Jersey during calendar years 2010 and 2011. A subsequent investigation revealed that Mr. Patel dispensed and billed for approximately 708 prescriptions during the period of

November 2009 through June 2011 while working part-time at East Orange Pharmacy and Surgicals for a total of 18 days. East Orange Pharmacy and Surgicals contests these findings.

Subsequent to this incident, and upon being noticed of the status of Mr. Patel's license, the East Orange Pharmacy and Surgicals has reported its voluntary implementation of policies and procedures to address concerns raised by the Board. Specifically, the pharmacy is now conducting annual license checks of all its registered and licensed employees. Additionally, the pharmacy periodically conducts checks to ensure employees are not debarred or excluded from federal and state health care programs.

The Board finds that Respondent East Orange Pharmacy and Surgicals knew or should have known that Mr. Patel was not licensed to practice pharmacy and that Respondent failed to do due diligence to ensure an individual within their employment was properly licensed in violation of N.J.S.A. 45:1-21(b), (e) and (m) and N.J.A.C. 13:39-4.18.

It appearing that Respondent wishes to resolve this matter pursuant to the terms of this Order without making admissions, and the Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown;

IT IS THEREFORE on this 22<sup>nd</sup> day of July, 2015,

ORDERED AND AGREED that,

1. The Permit of Respondent East Orange Pharmacy and Surgicals to operate a pharmacy in the State of New Jersey is hereby suspended for a period of one (1) year, the entire period of suspension to be stayed and served as probation.

2. East Orange Pharmacy and Surgicals shall pay a civil penalty in the amount of \$1000 for each day that Mr. Patel was allowed to work without a license for a total of \$18,000 within 6 months of the date this Order is filed. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ~~ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101.~~ Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law, including automatic suspension of Respondent's license as described herein.

3. Respondent shall pay one-half of the costs incurred investigating this matter, in the amount of \$7812.40, within 6 months

of the date this Order is filed. Payment shall be made by bank check, money order, wire transfer or credit card made payable to the New Jersey Board of Pharmacy and mailed to the New Jersey State Board of Pharmacy, ATTN: Anthony Rubinaccio, Executive Director, 124 Halsey Street, P.O. Box 45013, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. In the event that respondent fails to make timely payment, interest shall begin to accrue at the annual court rule rate, a Certification of Debt shall be issued, and the Board may institute such other proceedings as are authorized by law, including automatic suspension of Respondent's license as described herein.

NEW JERSEY STATE BOARD OF PHARMACY

By: Thomas F.X. Bender, Jr., R.Ph.  
Thomas F.X. Bender, R.Ph.  
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.



Amit Datwani, RP,  
Owner East Orange Pharmacy and  
Surgicals  
On behalf of and authorized  
by East Orange Pharmacy and  
Surgicals

Consent as to form and entry:



Angelo Cifaldi, Esq.  
Attorney for East Orange  
Pharmacy and Surgicals